

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANDREA TANTAROS,

Plaintiff,

-- against --

Docket No. _____

FOX NEWS NETWORK, LLC, ROGER AILES,
WILLIAM SHINE, IRENA BRIGANTI, PETER
A. SNYDER, DISRUPTOR, INC., and JOHN
DOES 1-50.

COMPLAINT

JURY DEMAND

Defendants.
-----X

Plaintiff ANDREA TANTAROS (“Plaintiff or “Ms. Tantaros”), by her attorneys, Judd
Burstein, P.C., complaining of the Defendants herein, alleges as follows:

INTRODUCTION

1. The **criminal conduct** described in this Complaint is both highly complex and extremely high-tech – utilizing digital tools and computer/telephony ‘hacking’, allied media, social media and surreptitious surveillance as replacements for and enhancements to traditional work-place retaliation, extortion, physical threats, and professional/career assassination. Interestingly, this type of professional digital character-assassination (well-known in the political and movie/entertainment industries) is portrayed in a recent episode of the highly popular Showtime Network series, “Homeland.” In this episode – entitled “Sock-Puppets” – the techniques described in this Complaint were used to destroy the reputation and public support of a new President-elect.¹

¹ See <http://www.newsbusters.org/blogs/culture/lindsay-kornick/2017/03/19/homeland-introduces-right-wing-fake-news-accounts>

2. For the uninitiated, such criminal activity will seem both bizarre and shocking. But, as shown by the many exhibits annexed to this Complaint, **these activities have been long underway at Defendant Fox News, LLC** (“Fox News”), and have continued unabated since the departure of Defendant Roger Ailes (“Ailes”) from the network. Most disturbingly, **these digital weapons are being used against the victims of sexual harassment at Fox News.** In the case of Ms. Tantaros, the conduct started while she was employed by Fox News and continues to this day – long after her employment with the network was terminated.

3. **The guilty parties at Fox News must be held responsible.**

4. As detailed in this Complaint, the Defendants have sought and are continuing to emotionally torture Ms. Tantaros into giving up her claims that she was sexually harassed by Ailes and Bill O’Reilly (“O’Reilly”), and then retaliated against by Defendants Bill Shine (“Shine”) and Irena Briganti (“Briganti”), through illegal electronic surveillance in violation of 18 U.S.C § 2511, the hacking of her personal computer in violation of 18 U.S.C. § 2701, and the use of “sockpuppet” social media accounts to stalk Ms. Tantaros in violation of 18 U.S.C. § 2261A.

5. The criminal conduct alleged in this Complaint was and is very complex, and used cutting-edge technology. However, the reasons why the Defendants herein targeted Ms. Tantaros in such a twisted way are easy to understand. From February of 2015 until April 3, 2017, Ms. Tantaros was the only victim of sexual harassment by Ailes and O’Reilly who had the courage to insist that Ailes and O’Reilly did not act alone, but were supported by a cabal of senior executives at Fox News – including Shine and Briganti, as well as Dianne Brandi (“Brandi”), Denise Collins (“Collins”), and Suzanne Scott (“Scott”), who protected Ailes and

O'Reilly through retaliation against their victims in the form of overt threats and use of friendly media to destroy their reputations.

6. Quite simply, Ms. Tantaros's refusal to take the more than \$1 million offered to her so that she would remain silent made her an existential threat to Fox News's senior management. She then became even more of a threat once (a) Ailes was sent packing from Fox News in July of 2016 with a \$40 million sinecure, (b) Shine was promoted to the position of Co-President of Fox News, and (c) the rest of Ailes's and O'Reilly's co-conspirators – Shine, *et al.* – were kept in place at the network. At that point, she was the **only** woman claiming that the departure of Ailes was of little consequence because no real change at Fox News would be possible until Shine, Brandi, Briganti, Collins, and Scott were held accountable. It is therefore not surprising that, even before Ailes's departure, **Fox News hired two major law firms and assigned six of their partners and multiple junior lawyers to pursue Ms. Tantaros.**

7. Trying to silence Ms. Tantaros by unsuccessfully seeking to overwhelm her with a multitude of lawyers was unsavory, but legal. But the Defendants went to the next level with Ms. Tantaros: committing crimes. As demonstrated below **with accompanying exhibits**, the Defendants in this case subjected Ms. Tantaros to illegal electronic surveillance and computer hacking, and used that information (including, on information and belief, privileged attorney-client communications) to intimidate, terrorize, and crush her career through an endless stream of lewd, offensive, and career-damaging social media posts, blog entries and commentary, and high-profile “fake” media sites which Fox News (or its social-influence contractors) owned or controlled. These accounts and sites were made to appear as held by independent persons or neutral media entities (“sockpuppet accounts”). While the use of professional social influencers and fake stories, accounts and posts has been part of Fox News's stock and trade for years, the

use of illegal electronic surveillance and computer hacking has taken the company's conduct to a profoundly disturbing next level. **This criminal scheme has continued unabated through the date of this Complaint, long after both the end of Ms. Tantaros's employment by Fox News and Ailes's departure from the network.**

8. Fox News will undoubtedly trot Briganti out to claim that the allegations in this Complaint are outlandish – a version of the same statements that she has made time and again in response to sexual harassment lawsuits by women who were ultimately paid millions of dollars. **But, as this Complaint demonstrates, the outlandish merges with reality in the world of Fox News.** For here, as noted, Ms. Tantaros was not just (as horrible as that would have been) subjected to a social media campaign using bogus social media accounts to unnerve her and scare her into giving up her claims of (a) sexual harassment by Roger Ailes, Bill O'Reilly and others, and (b) retaliation for having made those claims. Here, **the Defendants devastated Ms. Tantaros by illegally surveilling her emails and telephone conversations and then communicating that they were doing so through cruel social media posts – conduct which has continued to the present.** For example:

- a. In early June of 2016, one of Ms. Tantaros's close friends was hospitalized following a bite from a poisonous scorpion, and she had numerous telephone calls with her friend and others about his hospitalization. Out of the blue, one of Defendants' sockpuppet accounts sent a Tweet with a purported Amazon.com advertisement for a DVD of a **1957** movie entitled "The Black Scorpion" (Exhibit A hereto) which had been available on Amazon since 2014 (Exhibit B hereto);

- b. On June 19, 2016, the day after Ms. Tantaros and her mother had spoken on the telephone about plans for the **third anniversary** of the August 20, **2013** death of Ms. Tantaros's brother, Daniel, one of Defendants' sockpuppet accounts tweeted: **"PURPLE MEMORIAL ... FOR DANIEL TANTAROS, R.I.P. DANIEL...."** (Exhibit C hereto) **There is no explanation for a tweet about the death of Ms. Tantaros's brother almost three years after-the-fact and two months before the anniversary of his death other than that it was designed to upset Ms. Tantaros both about the death of her brother and the fact that she was being surveilled;**
- c. At the very time that Ms. Tantaros was talking to her other brother's children while they were at Disney Land, there was a Tweet from a sockpuppet account showing **two children being hugged by Micky Mouse with the message: "Mickey Mouse and 'new friends' ..."** (Exhibit D hereto)
- d. Ms. Tantaros had a friend in the military who was stationed overseas who used to speak to her on the telephone about his unit's assigned military dog named "Egypt." On occasion, there would be Tweets from a sockpuppet account showing pictures of pyramids, etc. Far more disturbing, though, is the fact that on July 29, 2016, the day after Ms. Tantaros spoke to her friend on the telephone and was informed his unit had been permitted to adopt Egypt, there was a Tweet from a sockpuppet account with a caption stating "Egypt," and a picture of a tour company

named “Egypt Tours and Travel.” (Exhibit E hereto) This **message was tweeted after Ailes had left Fox.**

9. In August of 2016, Ms. Tantaros commenced a lawsuit (Exhibit F hereto), in which she detailed how she was sexually harassed by Ailes commencing in 2014, and then later by Bill O’Reilly. In the wake of Ms. Tantaros rejecting Ailes’s unwanted advances, Ms. Tantaros was demoted to appearing on a far less significant show at Fox News and suddenly became the target of unfavorable and unflattering coverage by “news” outlets and social media controlled, directly or indirectly, by Fox News. When Ms. Tantaros complained to, *inter alia*, Defendant Bill Shine (“Shine”), Ailes’s top lieutenant at the time, and Diane Brandi (“Brandi”), Fox News’s chief in-house lawyer, about both Ailes and O’Reilly, she was subjected to a reign of terror. Indeed, Shine specifically warned Ms. Tantaros that she needed to drop her complaints about Ailes because he was “a very powerful man.”

10. The claims brought in this lawsuit are fundamentally different than the claims which Ms. Tantaros brought in her August 2016 lawsuit, which is now the subject of a confidential arbitration. This Complaint does not seek damages for sexual harassment or the type of retaliation that one regrettably often finds in the workplace. Rather, this lawsuit focuses on the countless violations of Federal criminal law engaged in by the Defendants herein - with ever-increasing intensity **after** Ms. Tantaros was fired by Fox News. As detailed below, there is overwhelming evidence that operatives of Fox News surreptitiously surveilled Ms. Tantaros’s private telephone calls and email. Then, in a successful effort to emotionally devastate her and make her concerned about her physical safety, they used “sockpuppet” social media accounts to cryptically let her know that she was under surveillance. In addition, on information and belief, the source of which is a forensic examination of Ms. Tantaros’s home laptop, a Fox News

operative engaged in surreptitious surveillance by breaking into her personal computer and planting key-logging and other surveillance software on it. Forensics will show Ms. Tantaros's computer's anomalies are not malware or known viruses that could have been found or transmitted through "general surfing" of the Internet, but "fingerprints" that could only have been left by third-party (highly illegal) access.

11. Moreover, in the days before the Complaint was filed, and news had leaked that Ms. Tantaros was going to be suing Defendant Peter A. Snyder ("Snyder"), a subject matter expert (SME) in the social influence industry, for criminally cyber-stalking her through sockpuppet Twitter accounts, **critical, incriminating Tweets began disappearing from several of these accounts.** For example, one of the most important Tweets in this case – a May 21, 2016 Tweet from Defendant Daniel Wayne Block's ("Block") Twitter account, which led Ms. Tantaros, out of concern for her personal safety, to regularly check Block's account, was present on the Block Twitter account page on April 20, 2017. **By the next day, April 21, 2017, it had been deleted.**

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this case pursuant to 18 U.S.C. §§ 2520 and 2707, as well as pendent jurisdiction over Plaintiff's claim for intentional infliction of emotional distress.

13. Venue lies in this District pursuant to 28 U.S.C. § 1391(b)(2) or (b)(3).

PARTIES

14. Plaintiff Andrea Tantaros is a citizen of the State of New York. She is a graduate of Lehigh University. From 2011 into 2016, she was employed by Fox News as host and political analyst, and, during some of that time, also served as host of the national radio talk

show, *The Andrea Tantaros Show*, and wrote a syndicated column for the New York Daily News.

15. Defendant Fox News is a limited liability company organized under the laws of the State of Delaware. Its principal place of business is in New York County, New York. On information and belief, the sole member of Fox News is Twenty-First Century Fox, Inc., a corporation organized under the laws of the State of Delaware with principal offices located in New York County, New York.

16. On information and belief, Defendant Ailes is a citizen of the State of Florida. From the commencement of Tantaros's employment by Fox News until he resigned his employment on or about July 21, 2016, Ailes served as the President of Fox News.

17. Defendant Shine is a citizen of the State of New York. From at least 2014 until he was elevated to the position of Co-President of Fox News on August 12, 2016, Shine was Fox News's Senior Executive Vice-President, serving as Ailes's primary enforcer and enabler, particularly with respect to retaliation against women who complained about sexual harassment.

18. On information and belief, Defendant Irena Briganti is a citizen of the State of New York. Commencing in 2013 through today, Briganti has been employed as a Senior Vice President of Fox News with the responsibility of overseeing Fox News's media relations department.

19. Defendant Peter A. Snyder ("Snyder") is a citizen of the Commonwealth of Virginia. For many years he used his company, New Media Strategies, to manage social media campaigns using fake websites and social media accounts against individuals who Roger Ailes identified as an enemy. As of 2014, Snyder was performing the same work for Ailes through his new company, Disruptor, Inc.

20. Defendant Disruptor, Inc. (“Disruptor”) is a corporation organized under the laws of the Commonwealth of Virginia. Its principal offices are in Alexandria Virginia.

21. John Does 1-50 are individuals or companies that participated in the criminal social media campaign against Ms. Tantaros but whose identity can be established only through the discovery process. For example, there is a Twitter Account in the name of “ANDREA TANTAROS FAN,” with the address of @realNASCARman. As described below, this bogus Twitter account was created for use in the social media campaign against Ms. Tantaros. However, without discovery, Ms. Tantaros cannot identify the owner or operator of the account, or the entities or person through whom the monies flowed from Fox News to secure the use of this account.

ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF

22. In this complaint, Plaintiff first details the shockingly disturbing details of the illicit campaign against her, and then explains why Defendants’ conduct is completely consistent with the manner in which Fox News had assaulted perceived enemies for many years.

A. THE CRIMINAL ASSAULT UPON MS. TANTAROS

(i) Background

23. From February through March of 2016, Ms. Tantaros, through her transactional attorney, Joseph Cane (“Cane”), pushed Shine, Brandi, and Collins, then-head of Human Resources of Fox News, for relief from the sexual harassment and retaliation (as described in Exhibit F hereto) being visited upon her. By this time, she had given up on complaining about Ailes because she had concluded that it would be fruitless to continue doing so. However, she did continue to object to sexual harassment by, among others, Bill O’Reilly.

24. As shown by a March 16, 2016 letter from Cane (Exhibit G hereto), on February 16, 2016, Ms. Tantaros made a formal complaint to Collins, then-head of Human Resources at Fox News, about, *inter alia*, Bill O'Reilly's sexual harassment of her. The idea of making a complaint about O'Reilly was so dangerous that while Cane mentioned three other men ("Ben Collins, John Roberts, Senator Scott Brown") by name, he instinctively referred to O'Reilly only as "B.O."

25. There can be no doubt that Brandi understood Cane's mention of "B.O." to be referring to O'Reilly because that very same day, Brandi sent Cane a letter confirming that Ms. Tantaros "will no longer appear on 'The O'Reilly Factor.'" (Exhibit H hereto)

26. On April 25, 2016, Brandi wrote to Cane informing him that Fox News was invoking its right to keep Ms. Tantaros off the air while paying her and that, effective immediately, she was "barred from entering Fox News premises anywhere in the world." Brandi's letter went to great lengths to claim that Fox News was taking this action solely because Ms. Tantaros had violated Fox News's guidelines for books written by on-air talent. However, after completely misrepresenting what had transpired in connection with Ms. Tantaros's complaints about O'Reilly and others, Brandi went on to state:

We believe that your client decided to make sexual harassment/hostile work environment claims at that moment in time to muddy the waters regarding what she knew to be the breach of her contract regarding the publication of her book. Your client will likely now allege that she is being retaliated against for bringing the claims referenced above. However, Fox News believes, after a thorough investigation of these claims, that your client concocted these claims to have a "defense" or a perceived way around the obvious material breach of her Agreement.

(Exhibit I hereto at 3)

27. The fact that Fox News continued to pay Ms. Tantaros even though she had allegedly "concocted" claims of sexual harassment shows that it was trying to incentivize her to

remain quiet about Ailes and O'Reilly. However, for the purposes of this case, the critical portion of Brandi's letter is her now demonstratively false statement that Fox News conducted a **"thorough investigation"** of her sexual harassment claim against O'Reilly. Given that O'Reilly has now been fired by Fox News for sexual harassment, Brandi was plainly lying. Brandi's statement further demonstrates that Fox News simply lies when it deems it convenient to do so.

28. On August 29, 2016, the defendants named in Ms. Tantaros's New York State Supreme Court complaint, **including Brandi**, filed an ultimately successful motion to compel arbitration of the claims in that complaint. Included as part of the motion brought on behalf of all the defendants other than Ailes was a conveniently **unsworn** (as the lawyers were smart enough not to risk perjury charges against their clients) "Addendum" (Exhibit J hereto) which claimed: "The complaint's allegations of sexual harassment by each of several men are false. Fox News has already investigated all of these accusations and found no evidence to support them." Incredibly, while mentioning the three other individuals referenced in Cane's March 16, 2016 letter (Ben Collins, Scott Brown, and John Roberts), **the Addendum was silent about Bill O'Reilly – plainly evidencing that, contrary to Brandi's April 26, 2016 letter to Cane, there never had been an investigation of Ms. Tantaros's allegations against O'Reilly.**

29. But the mendacity did not stop there. On April 1, 2017, in the wake of additional allegations against O'Reilly, Rupert Murdoch and his sons (the "Murdochs") (hopefully unwittingly) authorized the following public statement:

Notwithstanding the fact that no current or former Fox News employee ever took advantage of the 21st Century Fox hotline to raise a concern about Bill O'Reilly, even anonymously, we have looked into these matters over the last few months and discussed them with Mr. O'Reilly.... While he denies the merits of these claims, Mr. O'Reilly has resolved those he regarded as his personal responsibility. Mr. O'Reilly is fully committed to supporting our efforts to improve the environment for all our employees at Fox News.

(Exhibit K hereto)

30. Putting aside the fact that, on information and belief, there never was a hotline at Fox News during the time that Ms. Tantaros worked there, the use of the term “hotline” was plainly carefully designed to avoid revealing Ms. Tantaros’s February 19, 2016 in-person complaint to Collins about O’Reilly. Hopefully, the Murdochs were unaware of the true facts.

31. This sin of omission was then undone by a contemporaneous statement made by O’Reilly, in which he claimed: “In my more than 20 years at Fox News Channel, no one has ever filed a complaint about me with the Human Resources Department, even on the anonymous hotline.” (*Id.*) This broader statement by O’Reilly was, as at least Shine and Brandi knew, unequivocally false because, as noted above, Ms. Tantaros had formally complained about O’Reilly to Collins on February 19, 2016.

32. There are two possible ways to interpret this statement by O’Reilly, both of which show that Brandi and Shine are liars. One possibility is that O’Reilly was never told about Ms. Tantaros’s allegations, in which case Ms. Brandi lied in her April 25, 2016 letter to Cane when she claimed that there had been a “thorough investigation” of the O’Reilly allegation. The other, more likely alternative is that O’Reilly lied and no one at Fox News corrected the lie.

33. To be clear, Plaintiff is not seeking relief based upon these background facts. Rather, they are set forth here only for context.

34. Turning back, however, to the chronology of events at issue in this case, the assault on Ms. Tantaros began after she was removed from the air on April 25, 2016. As noted, Brandi claimed to Cane that Fox News had made that decision because of Ms. Tantaros’s supposed violation of Fox News’s book guidelines. While this claim by Ms. Brandi was entirely pretextual, that is not an issue in this lawsuit. What is relevant here is an unfavorable and

baseless April 30, 2016 article published by “The Cable Game,” which suggested that Ms. Tantaros was off the air because of a dispute over her book, and **ominously stated that things had “escalated into a confrontation with The Wrong Person.”** (Exhibit L hereto) Then, on December 31, 2016, the purported author of The Cable Game, tweeted from @TheCableGame that its April 30, 2016 article about Ms. Tantaros was “The Cable Game’s most-read post of 2016.” (Exhibit M hereto)

35. While the Cable Game might just be the musing of some random blogger, it isn’t. Recently, **Fox News has admitted to a reporter that The Cable Gamer was written by Jim Pinkerton (“Pinkerton”), one of the operatives used by Ailes to conduct surveillance campaigns out of Fox News’s “Black Room”** (further discussed *infra*). Yet, The Cable Gamer’s Twitter profile shows a picture of the actress Lori Singer accompanied by the following statement: “I’m not a former cable news insider. I didn’t spend nearly a decade at a US cable news network. I was never a highly-placed source quoted in leaks to the press.” (Exhibit N hereto) At other times, the Cable Gamer sends Tweets which identify her as “Sydney Bloom.” (Exhibit O hereto) Lori Singer played a character named Sidney Bloom in a television series named VR 5. The picture used on the Cable Gamer’s Twitter account is a publicity photo of Singer from the VR 5 series. (Exhibit P hereto)

36. Incredibly, seeking to shield Shine, Fox News has claimed that Pinkerton was working secretly only on behalf of Ailes. This story makes no sense because The Cable Game continued to post stories until March 17, 2017 (Exhibit Q hereto), and The Cable Gamer is still Tweeting as of April 23, 2017. (Exhibit R hereto) **However, as of April 24, 2017, the Cable Game Blog suddenly became password-protected.** (Exhibit S hereto)

37. If the Cable Game and its associated Twitter account had just been a fraud created by Ailes, they would have ceased to exist after Ailes left Fox News in July of 2016.

(ii) **The Illegal and Malicious Twitter Campaign**

(a) **How Twitter Works**

37. To understand the magnitude and ugliness of the attack upon Ms. Tantaros, it is first necessary to understand how Twitter works.

(i) **Twitter Basics**

38. As described by the company, “Twitter is a service for friends, family, and coworkers to communicate and stay connected through the exchange of quick, frequent messages. People post Tweets, which may contain photos, videos, links and up to 140 characters of text.”

39. A person’s Twitter account has a distinct address. For example, Ms. Tantaros’s Twitter address is @AndreaTantaros.

40. Each person with a Twitter account has both a public profile page and a home timeline. The public profile page contains all of the person’s tweets which he or she chooses to post.

41. A home timeline is a real-time stream of Tweets by people the account holder follows. By way of example, if @123 chooses to “follow” @AndreaTantaros, then whenever Ms. Tantaros posts a Tweet, it will show up on @123’s home timeline.

42. In addition, and importantly for this case, if @123 wants to send a message to Ms. Tantaros’s timeline, all that @123 need do is include @AndreaTantaros. In that circumstance, @123’s Tweet will show up only on the home timeline of @123 and @AndreaTantaros, and any person who follows both @123 and Ms. Tantaros.

43. @123 can also re-Tweet posts of others (with, or without comment) and place it in other's timelines simply by including their Twitter "handle" in same.

44. Once any Tweet is posted – either by @123 or by Ms. Tantaros – it can then be re-Tweeted again and again and again to different Twitter users... meaning that it essentially explodes into the Twitter universe. **Social influence companies (and the Fox News Black Room) use this phenomenon to great effect by deploying hundreds of thousands of sockpuppet accounts to re-Tweet whatever information they want disseminated – and to have it appear as organic social media activity.**

(ii) **Sock Accounts**

38. Again, not every Twitter, Facebook, or blog account is genuine. There are also "sockpuppet" accounts -- *i.e.*, accounts that appear to be normal accounts but which are in fact operated by third parties (individuals and commercial/for-profit entities) for the purpose of influencing others (positive or negative) and, or manipulating online discussions. Sockpuppet Twitter accounts come in several varieties, but by definition operate under a fictitious identity.

39. For purposes of this Complaint, we are specifically referring to sockpuppet accounts operated by a paid commercial entity to disseminate client material, or a real person who is paid to Tweet particular messages in much the same way. While they try to keep the practice quiet and away from public scrutiny, both Twitter and Facebook sell hundreds of thousands of "dead" (inactive) accounts on a regular basis... mostly to social influence companies working in the entertainment and political fields.

40. As described in a recent academic article entitled "An Army of Me: Sockpuppets in Online Discussion Communities": **"Sockpuppetry is often malicious and deceptive, and**

has been used to manipulate public opinion.” See:

<http://snap.stanford.edu/www2017tutorial/docs/020-sockpuppets.pdf>

(iii) **The Illegal Harassment of Ms. Tantaros**

41. In February 2015, after it had become clear to Ms. Tantaros that she was being targeted by Ailes and Briganti, she unsuccessfully complained to Shine about Ailes’s sexual harassment of her.

42. In that same month, February of 2015, a new Twitter account was suddenly created in the name of “ANDREA TANTAROS FAN,” with the address of @realNASCARman. The purported account owner of the account described himself (or herself) as “Big FAN Andrea Tantaros and NASCAR racing.” Since joining Twitter, ANDREA TANTAROS FAN has sent out just 59 tweets over the ensuing 14 months. (Exhibit T hereto) However, from February 2015 until May 21, 2016, ANDREA TANTAROS FAN never mentioned Ms. Tantaros in a Tweet. As explained below, this Twitter account was the social media version of a “sleeper cell.”

43. In retrospect, it is clear that, as Ms. Tantaros’s complaints about retaliation against her escalated the campaign to unnerve her started to ramp up. Starting in early 2015, Ms. Tantaros noted that there had been a very large uptick in overtly sexual and offensive posts from purported followers of her on Facebook, Instagram and Twitter. At the time, Ms. Tantaros did not understand why this was happening. However, the picture started to come more clearly into view: **someone was trying to emotionally manipulate her and damage her reputation on Twitter.**

- a. On August 24, 2015, Ms. Tantaros received a Tweet from “Desiree,” with the Twitter address of @dycin55, stating that she “can’t wait to see my Greek goddess on the tv at noon.” (Exhibit U hereto)
- b. The next day, August 25, 2015, the @dycin55 Twitter account now had a different name (“Deena”) and picture associated with it. (Exhibit V hereto)
- c. A few weeks later, there were Tweets from an “Avery” (sent to Ms. Tantaros) with an address of @AveryDovven asking a person rumored to be involved with Ms. Tantaros whether he was “still dating @AndreaTantaros? If not DM me! Just a Quickie.” (Exhibit W) By putting @AndreaTantaros in the Tweet, the Tweeter thereby made sure that it would be seen by Ms. Tantaros. However, **Avery Dovven was a fictional person.** Ms. Tantaros performed a reverse Google image search of @dycin55’s initial avatar. The woman was not named Desiree. The picture was a real person whose image was being used is a professional model by the name of Adrianna Christina. (Exhibit X). It should be noted that the account @dycin55 has not been active since August of 2015.

44. Over the ensuing months, there was a constant flow of huge numbers of offensive and lewd tweets, blogs, and posts to Facebook and Instagram directed at Ms. Tantaros. During this period, Ms. Tantaros became very concerned that she was being targeted by just the type of social media campaign that, as detailed below, Snyder had told her he had performed for Ailes and Shine.

45. Upon learning that she had been removed from the air by Fox News on April 25, 2016, Ms. Tantaros noticed that some of her messages had been wiped from her Blackberry, and that the deletions were continuing. Accordingly, upon the advice of a friend, she placed her

Blackberry and her home laptop in a “Faraday bag,” which shielded them from any more data deletion or manipulation. Subsequently, **a forensic analysis of Ms. Tantaros’s computer revealed that it contained unique surveillance viruses that are not found in any mass malware.** On information and belief, the sources of which include the allegations set forth in this Complaint and the fact that no one else would have had the motive or wherewithal to surveil Ms. Tantaros, a person working for Fox News was responsible for hacking Ms. Tantaros’s computer so that she could be spied upon.

46. Thereafter, as of mid-May of 2016, after Ms. Tantaros had made it clear to Fox News that she was not inclined to give up on pursuing the harassment and retaliation that had been visited upon her, the Defendants stepped up their overtly criminal campaign against her. From that point on, there was a constant stream of social media posts from multiple sockpuppet accounts designed to make it clear to Ms. Tantaros that she was being illegally surveilled. In this Complaint, we highlight a string of communications from the Block Twitter account in the spring and summer of 2016:

47. On May 21, 2016, a Tweet from Block’s Twitter account was sent to @AndreaTantaros, stating: “Dear Andrea-I just recently bought one of your HC copies of ‘Tied Up in Knots’& mailed a bookplate to you to sign, pls confirm[.]” A few days later, a copy of Ms. Tantaros’s book showed up in the mail.

48. According to his LinkedIn page, Block is a retired “Transportation Manager” living in Gainesville, Florida. (Exhibit Y hereto) There is no possible way that he could have known Ms. Tantaros’s home address. Nonetheless, Ms. Tantaros’s received a copy of her book in the mail a few days later. As a result, and as Defendants knew would be the case, Ms.

Tantaros became concerned for her physical safety, and started keeping tabs on the Block Twitter account.

49. **The actual Tweet addressed to Ms. Tantaros from the Block Twitter account has disappeared from her Twitter account. Moreover, it disappeared from the Block Twitter account on April 21, 2017.** While this would appear to be an extreme allegation, the facts surrounding this Tweet are so bizarre that the removal of the Tweet from Twitter makes perfect sense.

50. **First**, much like a sleeper cell, the ANDREA TANTAROS FAN Twitter account, created 15 months earlier, woke up and re-Tweeted the May 21, 2016 Tweet from Block's Twitter account. (Exhibit Z hereto) This was the first time that the ANDREA TANTAROS FAN Twitter account had ever mentioned Ms. Tantaros even though the account was apparently dedicated to her. upon the posting of the May 21, 2016 Tweet from the Block Twitter account.

51. **Second**, Exhibit AA hereto is an April 22, 2017 print-out of a portion of the Block Twitter account showing messages to and from the ANDREA TANTAROS FAN Twitter account. One of those messages is the key May 21, 2016 Tweet, which is addressed: "Dear Andrea." The other message is a June 19, 2016 Tweet which starts: "Andrea, my God, some of these un-fans of yours...." Plainly these were Tweets that were originally addressed to Ms. Tantaros, but have been wiped.

52. **Third**, according to their respective Twitter accounts, there is no indication that ANDREA TANTAROS FAN re-Tweeted the May 21, 2016 message. Yet, as shown by Exhibit Z hereto, ANDREA TANTAROS FAN did in fact re-Tweet the message. That re-Tweet is nowhere to be found on the ANDREA TANTAROS FAN Twitter page.

53. **Fourth**, as shown by Exhibit BB hereto, **the May 21 Tweets shown on the Twitter pages for the Block Twitter account and the ANDREA TANTAROS FAN account were allegedly sent from London, England.** Yet, as noted, Block lives in Gainesville, Florida, and London is not a likely place for an Andrea Tantaros/NASCAR fan to be living.

54. Once Defendants had Ms. Tantaros's attention, they used the Block Twitter account to make it clear to her that she was under surveillance:

55. On June 8, 2016, Ms. Tantaros discussed a trip to Charleston, South Carolina with a friend. The next day, there was a Tweet from the Block account with a picture of tree with the caption: "Angel Oak Charleston, S.C." (Exhibit CC hereto)

56. In early June of 2016, one of Ms. Tantaros's close friends was hospitalized following a bite from a poisonous scorpion, and she had numerous telephone calls with her friend and others about his hospitalization. Out of the blue, on June 10, 2016, one of Defendants' sockpuppet accounts sent a Tweet with a purported Amazon.com advertisement for a DVD of a **1957** movie entitled "The Black Scorpion" (Exhibit A hereto) which had been available on Amazon since 2014 (Exhibit B hereto).

57. On June 12, 2016, June 12, 2016, Ms. Tantaros was making arrangements on the phone with a friend for her brother, an airline pilot, to ride in the back seat of a "Blue Angels" flight squadron demonstration at an airshow. On June 13, 2016, there was a Tweet from the Block account with a picture of the Blue Angels with the message: "The USN 'Blue Angels' air demo team GODspeed..." (Exhibit DD hereto)

58. In May and June of 2016, Ms. Tantaros was regularly speaking on the phone with a male friend who called her "Baby Bunny." During this period, there were several Tweets from the Block account with pictures of rabbits. For example, on June 14, 2016, there was a Tweet

from the Block account with a picture of a rabbit with a caption stating: “Bunny Rabbits...” (Exhibit EE hereto)

59. On June 17, 2016, Ms. Tantaros had a telephone discussion with a friend about possibly moving to Aspen, Colorado. The next day, there was a Tweet from the Block account with a picture of an Elk with the message “Elk in Colorado....” (Exhibit FF hereto)

60. On June 18, 2016, Ms. Tantaros spoke with her mother about their plans for the **August** anniversary of the death of Ms. Tantaros’s brother. The next day, there was a Tweet from the Block account stating “Purple Memorial... for Daniel Tantaros, R.I.P. Daniel....” (Exhibit C hereto)

61. As of June 22, 2013, Ms. Tantaros’s other brother and his children were visiting Disney Land, and Ms. Tantaros was regularly speaking to the children. On June 23, 2016, there was a Tweet from the Block account with a picture of Mickey Mouse and two children. The caption read: “Mickey Mouse and ‘new friends’ ...” (Exhibit D hereto)

62. In late July of 2016, a friend of Ms. Tantaros told her that he had adopted a dog and named him “Egypt.” On July 27, 2016, there was a Tweet from the Block account with a caption stating “Egypt,” and a picture of a tour company named “Egypt Tours and Travel.” (Exhibit E hereto)

63. On that same date, July 27, 2016 (*i.e.*, **after Ailes** had departed Fox News, there was a Tweet from the Block account with a message that included the words “Be strong and courageous.” Those words, which **were highlighted in the Tweet**, are a phrase that is on Ms. Tantaros’s mother’s refrigerator, and which she and Ms. Tantaros almost always say to each other when they end a telephone conversation. (Exhibit GG)

64. The Tweets discussed above are just a fraction of the enormous number of Tweets from sockpuppet accounts such as the Block Twitter account (and indeed also from the Block Twitter account itself), which have continued unabated through the date of this Complaint.

B. THAT DEFENDANTS CONDUCTED THE CRIMINAL HARASSMENT CAMPAIGN AGAINST MS. TANTAROS IS CORROBORATED BY THE FACT THAT IT IS CONSISTENT WITH, ALBEIT AN EXTREME ESCALATION OF, FOX'S PAST EFFORTS, OVER MANY YEARS, TO DESTROY ITS PERCEIVED ENEMIES

65. Throughout the years, the Defendants have not let the truth, let alone basic human decency or respect for the law, get in their way of their efforts to destroy whomever Roger Ailes, and now Bill Shine, considered to be an enemy. The ugliness of their conduct – designed to punish and destroy the dignity of anyone who they perceived as hostile – is shocking.

66. As explained by David Folkenflik in his book, *Murdoch's World*, in 2008, a New York Times media reporter, Timothy Arango (“Arango”), was working on a story about CNN’s positive ratings. When he called Briganti for a comment, she asked him to run what Arango deemed to be a “vitriolic” statement about CNN. When Arango refused:

Briganti warned him: *They’re going to go after you personally*. On March 5, 2008, Arango’s story, headlined “Back in the Game,” ran on the front page of the Times business section, and it was featured prominently on the paper’s website. That morning, he received a call from a blogger with Jossip, a now-defunct gossip site. Arango knew what lay in store but did not return the call.

The unbylined story on Jossip said Arango had just returned from a two-month medical leave that “many allege may have been a stint in rehab.” The Jossip posting utilized every element of Arango’s past coverage at the Post and Fortune magazine to draw a portrait of a craven reporter in unsuccessful pursuit of on-air reporting jobs at cable channels. It referred to “blowjob pieces about CNBC execs” written, the blog claimed, when Arango was hustling for a job at the network.

67. David Carr recounted another disturbing story in a column he wrote for the New York Times:

A little more than a week ago, Jacques Steinberg, a reporter at The New York Times who covers television, wrote a straight-up-the-middle ratings story about cable news. His article acknowledged that while CNN was using a dynamic election to push Fox News from behind, Fox was still No. 1. Despite repeated calls, the public relations people at Fox News did not return his requests for comment. (In a neat trick, while they were ignoring his calls, they e-mailed his boss asking why they had not heard from him.)

After the article ran, Brian Kilmeade and Steve Doocy of “Fox and Friends,” the reliable water carriers on the morning show on the cable network, did a segment suggesting that Mr. Steinberg’s editor was a disgruntled former employee — Steven V. Reddicliffe once edited TV Guide, which was until recently owned by the News Corporation — and that Mr. Steinberg was his trained attack dog. (The audience was undoubtedly wondering what the heck they were talking about.)

The accompanying photographs were heavily altered, although the audience was probably none the wiser. Mr. Reddicliffe looked like the wicked witch after a hard night of drinking, but it was the photo of Mr. Steinberg that stopped traffic when it appeared on the Web at Media Matters side by side with his actual photo. In a technique familiar to students of vintage German propaganda, his ears were pulled out, his teeth splayed apart, his forehead lowered and his nose was widened and enlarged in a way that made him look more like Fagin than the guy I work with. (Mr. Steinberg told me that as a working reporter who covers Fox News, he was not in a position to comment. A spokeswoman said the executive in charge of “Fox and Friends” is on vacation and not available for comment but added that altering photos for humorous effect is a common practice on cable news stations.)

68. But targeting journalists with negative or ridiculing stories is just the tip of the iceberg. According to noted journalist Gabe Sherman:

According to one highly placed source, [Burt] Solivan worked out of what Fox insiders called “the Black Room,” an operation Ailes established around 2011 to conduct PR and surveillance campaigns against people he targeted, both inside and outside the company. The “Black Room” was located on the 14th floor of the News Corp building at 1211 Avenue of the Americas, a quiet part of the office that housed Fox News Latino and some marketing and promotions employees. Fox employees Ken LaCorte and Jim Pinkerton — veteran political operatives who’ve worked with Ailes since the 1980s — also worked with Solivan, the source said, adding that Ailes’s personal lawyer and Fox contributor Peter Johnson Jr. advised the team....

Targets of the campaigns included journalists John Cook and Hamilton Nolan, who have aggressively covered Ailes for Gawker. According to one source, private detectives followed Cook around his Brooklyn neighborhood, and Fox operatives prepared a report on him with information they intended to leak to

blogs. (According to the source, one proposed line of attack claimed that Cook — whose wife, Slate news director Allison Benedikt, is Jewish — was anti-Semitic.) “I’m honored to be among Roger Ailes’s enemies,” Cook said.

I was also the target of an operation, a source told me: In 2012, while I was researching a biography of Ailes, Fox operatives set up webpages to attack my reputation, and Fox funds paid for Google search ads against my name that linked to the sites. One source also said private investigators employed by Fox contributor Bo Dietl were instructed to follow me and my wife.

69. Indeed, Ailes had Bo Dietl (“Dietly”) do more than just follow journalists. On information and belief, Dietl, at the request of Brandi, illegally secured journalists’ phone records and credit reports.

70. Significantly, in 2016, Briganti admitted to a reporter that the “Black Room” did exist and that the stories about it were true. She claimed, however, that the “Black Room” work was performed by independent contractors whom she did not direct

71. The use of fake social media accounts has also been a part of the Fox News repertoire of dirty tricks since at least 2008. According to David Folkenflik’s book:

In a variety of ways. Fox engaged in a pitched public relations battle to dominate the narrative about the cable news business. Fox PR staffers were expected to win every news cycle, on every platform imaginable....

* * *

On the blogs, the fight was particularly fierce. Fox PR staffers were expected to counter not just negative and even neutral blog postings but the anti-Fox comments beneath them. One former staffer recalled using twenty different aliases to post pro-Fox rants. Another had one hundred. Several employees had to acquire a cell phone thumb drive to provide a wireless broadband connection that could not be traced back to a Fox News or News Corp account. Another used an AOL dial-up connection, even in the age of widespread broadband access, on the rationale it would be harder to pinpoint its origins. Old laptops were distributed for these cyber operations. Even blogs with minor followings were reviewed to ensure no claim went unchecked.

C. FOX NEWS’S RELIANCE UPON SNYDER

72. For many years, Defendant Snyder played a crucial role in Fox News's practice of using all available means to destroy whomever Ailes, and now Shine, considered to be an enemy. Snyder's initial work for Ailes through his company, New Media Strategies, was recently described by Matthew Sheffield in an article published on Salon.com:

During the [Roger Ailes] era, the network's ferocity in defending itself against inconvenient facts and journalists it deemed unfair became legendary among the small group of people who cover the media business....

That ultra-aggressive approach to promotion during the Ailes era also extended to the online world, where Fox News employees and contractors were dispatched to do battle against not just mainstream media reporters but also against small-time bloggers and even website commenters. Fox News even went so far as to create at least two anonymous websites that attacked the competition.

* * *

Under Ailes, Fox News did not limit its promotion efforts to the realm of media criticism. The network also retained the services of a now-defunct public relations firm called New Media Strategies to create and operate a series of homespun-looking websites designed to market women who worked as hosts or correspondents in a manner that can only be described as overtly sexist.

Creating and operating the websites was part of a larger series of marketing services that New Media Strategies provided Fox News.

* * *

New Media Strategies employees created several blogs dedicated to specific women, including former correspondent Laurie Dhue and former "Fox and Friends" co-host Kiran Chetry, all of which were linked into a larger portal website called Girls of Fox News....

* * *

... [T]he vast majority of the content on Girls of Fox News consisted of frequently misspelled reactions to unintentionally suggestive screenshots, and videos of Fox News Channel employees crossing their legs or appearing to make kissing gestures.

* * *

While the site has not functioned in nearly 10 years, the domain girlsoffoxnews.com appears to have been continuously renewed by its owner. That individual or entity has also chosen to use a privacy protection service that anonymizes it from public-record searches.

Web users typing in the domain today are redirected to a Yahoo search for “Fox News” or “Breaking News,” via a domain monetization company called Sedo.

* * *

Although Girls of Fox News was shuttered in 2007, careful readers were able to peruse some of the site’s content through the use of the Wayback Machine, a service provided by the Internet Archive that lets users view virtual snapshots of websites as they appeared at various times in the past.

As Salon began reporting this story by interviewing Snyder and others familiar with the New Media Strategies and Fox News relationship, the owner of girlsoffoxnews.com appears to have devised a method to remove the blog from the Wayback Machine. This required the use of a file called robots.txt, which can be configured to block archiving software like that used by the Internet Archive. Salon did not tell Snyder about the Dhue and Chetry websites and as of this writing they remain publicly accessible. As might be expected, the operator of the domain did not respond to a request for comment.

73. However, Snyder’s work did not end when he sold New Media Strategies. Instead, as Snyder admitted to Ms. Tantaros, he continued to perform the same services for Ailes through Disruptor.

74. Ms. Tantaros knew Mr. Snyder well because she had worked with Snyder’s wife, Burson, in the U.S. House of Representatives for the Republican leadership. Indeed, Ms. Tantaros and the Snyders were friendly enough that Ms. Tantaros stayed at Snyder’s Nantucket home on a number of occasions. On August 19, 2013, the night before the death of her brother, Tantaros was staying with the Snyders in Nantucket. On this night in August of 2013, Snyder proceeded to tell Ms. Tantaros about the work he did for Fox News, explaining that Shine would call him and give him instructions from Ailes as to whom he should target as an enemy through sockpuppet accounts, fake websites and internet trolling. Snyder told Ms. Tantaros that he used

an “army” of independent contractors to complete assignments, and that Disruptor was used to employ these contractors.

75. Snyder did not give Ms. Tantaros any indication that he was using these digital tools to attack Fox News employees, let alone women who had claimed to have been sexually harassed by Ailes or O'Reilly. Nor was he telling her anything that was a real surprise, as it is well known in the industry that Snyder's former company, New Media Strategies, had engaged in **legal** social media campaigns to influence opinions, etc., by using sockpuppet accounts. Indeed, Ms. Tantaros knew about the work of New Media Strategies because Snyder had once tried to hire her to run its public affairs department to do just what Snyder was describing to her as the work of Disruptor.

76. While discovery in this case will undoubtedly show the flow of monies, Ms. Tantaros's account of the facts is partially corroborated by Exhibits HH, II, and JJ hereto – emails between Snyder and Shine which Snyder forwarded to Ms. Tantaros. The fact that Snyder would forward these emails to Ms. Tantaros is consistent with the notion that he would confide in Ms. Tantaros about the work he was doing for Ailes and Shine. However, these exhibits show far more than that.

77. Exhibit HH hereto is a March 3, 2014 email exchange between Shine and Snyder which Snyder forwarded to Ms. Tantaros. The email shows that Snyder was consulting with Shine about Fox News business in 2014. While the subject matter of the email exchange is benign, it nonetheless shows that Shine and Snyder had far more than an arms' length business relationship: “Cristina said you had a minor operation Friday ... I'm just going to go out on a limb and I'm going to guess it was a circumcision.”

78. Exhibit II hereto is a March 6, 2014 email from Shine to Snyder that Snyder forwarded to Ms. Tantaros. In this email, Shine sends Snyder an article entitled “The Next Ailes: Newsmax’s Chris Ruddy Preps TV Rival to Fox News,” and asks: “Got a sec?” **Following this email, there was a huge uptick in negative Tweets and blogs about Ruddy which, on information and belief, were operated by Snyder.**

79. Exhibit JJ hereto is a March 16, 2014 email exchange between Shine and Snyder that was forwarded to Ms. Tantaros. In this email to Shine, Snyder advocates an aggressive course of action, stating **“It’s time to wake the bear, recognize and crush the competition.... (no more sugar coating or being timid)....”** Significantly, evidencing that Shine was his principal contact at Fox News, Snyder writes to Ms. Tantaros: “Shine asked me to send him and (*sic*) email that he might (I’ll let you know if he does it) send to RA.”

80. On information and belief, Snyder is still performing the same services for Shine and Fox News. The basis for this information and belief is as follows:

- a. As shown by Exhibit KK hereto, on July 18, 2016, while counsel for Fox News and Ms. Tantaros were discussing a possible settlement of her claims, counsel for Ms. Tantaros sent an email to Fox News’s counsel stating: “The Huffington Post is about to write a story that Andrea was taken off the air because of physical altercations with Kennedy and [N]omiki [Konst]. Fox has refused to deny the allegation, stating only that the issue with Andrea is a ‘contractual one.’ This is completely unacceptable. Fox has to get out front of this story and affirmatively deny it, as the reporter states that her story is based upon reliable Fox sources.”

Fox News's counsel responded that "[i]t will be taken care of," and the story never ran.

- b. As shown by Exhibit LL hereto, on July 24, 2014, Oliver Darcy of Business Insider called counsel for Ms. Tantaros asking for comment on the same story that had been peddled to the Huffington Post. In retrospect, based upon what transpired subsequently, as well as Darcy's reputation as a shill for Briganti, this was an effort by Fox News to unnerve Ms. Tantaros to convince her to settle her claims. In response to Darcy's call, counsel for Ms. Tantaros wrote him, stating: "[T]here is absolutely no truth to any claim that (a) Andrea ever had a physical altercation with anyone at Fox, and/or (b) her absence from the air is in any way related to these false allegations. I am copying Fox's outside counsel, Barry Asen, on this email because I know for a fact that he will confirm what I have just written." On that same email chain, Briganti, who had undoubtedly peddled the story to Darcy in the first place, wrote back: "I will call Oliver Darcy at Business Insider to reinforce this."
- c. On April 10, 2017, counsel for Ms. Tantaros sent an email to Mr. Snyder informing him that this lawsuit was in the process of being prepared, and offering him the opportunity to settle.
- d. Thereafter, Snyder retained counsel who sought a delay of the lawsuit, which Ms. Tantaros rejected.
- e. At 9:56 p.m. on April 18, 2017, Tantaros's counsel informed Snyder's counsel that Tantaros was going to commence litigation against Snyder on

April 19 or April 20, and asked him if he would accept service of the Complaint.

- f. At 11:13 p.m. EST on April 18, 2017 (Twitter defaults to PST in noting the time of a Tweet), **just one hour and 17 minutes after Ms. Tantaros's counsel informed Snyder's counsel that Ms. Tantaros was going to be suing Snyder in the next day or two**, Nomiki Konst sent out a defamatory Tweet in which she falsely claimed that Ms. Tantaros had physically assaulted and threatened her. (Exhibit MM hereto)
- g. Standing alone, the timing of this Tweet made no sense because if there had been such an altercation (and there was none) it would necessarily have taken took place more than a year earlier because Ms. Tantaros has not even entered Fox News's offices since she was removed from the air in April of 2016.
- h. However, the purpose of the Tweet, as well as Snyder's and Briganti's role in it, became clear when, **eight minutes later**, it was re-Tweeted by Oliver Darcy of Business Insider (who, as noted, is well known in the industry as one of the "journalists" who Briganti uses to disseminate "information" when she wants to discredit a person), the very reporter to whom Briganti had originally sought to peddle the story and who was then advised by Briganti that it was untrue. (Exhibit NN hereto)
- i. Thereafter, Konst's defamatory Tweet was re-Tweeted 348 times as of April 21, 2017. On information and belief, many of those re-Tweets were from Twitter accounts controlled by Snyder.

PLAINTIFF'S FIRST CLAIM FOR RELIEF

81. Plaintiff repeats and realleges the allegations set forth above as if they were fully set forth in this Paragraph.

82. All the Defendants herein violated 18 U.S.C. § 2511 through the electronic surveillance of Ms. Tantaros personal telephone and use of the fruits of that surveillance to emotionally torture Ms. Tantaros.

83. Pursuant to 18 U.S.C. § 2520, Plaintiff is entitled to recover the greater of compensatory damages from all Defendants as determined at trial or the statutory damages authorized by § 2520.

84. In addition, Plaintiff is entitled to recover punitive damages as determined at trial because Defendants' illegal electronic surveillance of Ms. Tantaros was wanton, willful, and malicious, particularly because it was used as part of a criminal cyber-stalking scheme engaged in by Defendants in violation of 18 U.S.C. § 2261A.

85. Finally, pursuant to 18 U.S.C. § 2520(b)(3), Plaintiff is entitled to recovery of her reasonable counsel fees and all other litigation costs reasonably incurred.

PLAINTIFF'S SECOND CLAIM FOR RELIEF

86. Plaintiff repeats and realleges the allegations set forth above as if they were fully set forth in this Paragraph.

87. On information and belief, Ailes and Shine, on behalf of Fox News, violated 18 U.S.C. § 2701 by directing a person paid, directly or indirectly, by Fox News to hack Ms. Tantaros's personal computer and gain access, *inter alia*, to her private emails.

88. Pursuant to 18 U.S.C. § 2707, Plaintiff is entitled to recover from Fox News, Ailes and Shine the greater of compensatory damages as determined at trial or the statutory damages authorized by § 2707.

89. In addition, Plaintiff is entitled to recover punitive damages as determined at trial because Defendants' illegal electronic surveillance of Ms. Tantaros was wanton, willful, and malicious, particularly because it was used as part of a criminal cyber-stalking scheme engaged in by Defendants in violation of 18 U.S.C. § 2261A.

90. Finally, pursuant to 18 U.S.C. § 2707(b)(3), Plaintiff is entitled to recovery of her reasonable counsel fees and all other litigation costs reasonably incurred.

PLAINTIFF'S THIRD CLAIM FOR RELIEF

91. Plaintiff repeats and realleges the allegations set forth above as if they were fully set forth in this Paragraph.

92. Defendants violations of federal criminal statutes in using illegal electronic surveillance of Plaintiff as part of a vicious social media campaign which also included the use of fake Twitter accounts to communicate to Plaintiff that she was being surveilled constituted extreme and outrageous conduct.

93. Defendants engaged in that conduct with the intent to cause Plaintiff severe emotional distress.

94. Plaintiff did suffer severe emotional distress, requiring medical treatment and medication, that was directly caused by Defendants.

95. By reason thereof, Plaintiff is entitled to recover compensatory damages from all Defendants in an amount to be determined at trial.

96. In addition, Plaintiff is entitled to recover punitive damages as determined at trial because Defendants' illegal electronic surveillance of Ms. Tantaros was wanton, willful, and malicious, particularly because it was used as part of a criminal cyber-stalking scheme engaged in by Defendants in violation of 18 U.S.C. § 2261A.

WHEREFORE, Plaintiff demands Judgment as follows:

A. On Plaintiff's First Claim for Relief, an award of (i) the greater of compensatory or statutory damages, (ii) punitive damages, and (iii) reasonable counsel fees and all other litigation costs reasonably incurred against all Defendants jointly and severally.

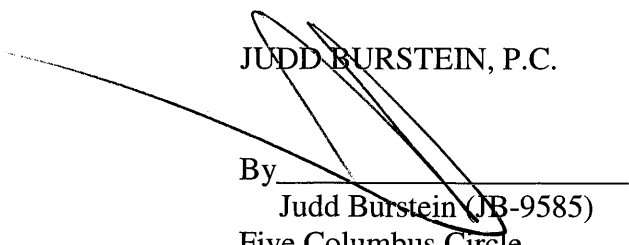
B. On Plaintiff's Second Claim for Relief, an award of (i) the greater of compensatory or statutory damages, (ii) punitive damages, and (iii) reasonable counsel fees and all other litigation costs reasonably incurred against all Defendants Fox News, Ailes and Shine jointly and severally.

C. On Plaintiff's Third Claim for Relief, an award of (i) compensatory damages, (ii) punitive damages, and (iii) the costs and disbursements of this action; and

D. An Order granting such other and further relief as deemed just and proper by this Court.

Dated: New York, New York
April 24, 2017

JUDD BURSTEIN, P.C.

By 
Judd Burstein (JB-9585)
Five Columbus Circle
New York, New York 10019
(212) 974-2400
(212) 974-2944 (Facsimile)
jburstein@burlaw.com